



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,684	03/28/2001	Craig S. Rendahl	47382.000122	3283

29315 7590 05/08/2003

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,684

Applicant(s)

RENDAHL ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5-20, and 23-34 are rejected under 35 U.S.C. 102(a) as being anticipated by Jack et al., 5719396.

3. As per claims 1, 5, 6, 7, 8, 9, 10, 12, 14, 16, 17, 18, 25, 30, and 32, Jack et al. disclose obtaining data from at least one remote vehicle sensing device including at least vehicle emission data on lines 27-42, on column 4; validating at least a part of the data by inspection of at least some of said vehicle emission data, wherein the step of validating the data comprises one or more of: checking for insufficient exhaust plume, checking for a calibration error, checking for improper optical component alignment, checking for inordinately low or high readings for one or more exhaust components, checking for large variations between different readings taken for the same exhaust plume, determining whether there is a second source of emissions present, determining whether vehicle speed criteria are met, determining whether vehicle acceleration criteria are met, and determining whether ambient or local conditions have significantly influenced data collected on lines 42, on column 5, through lines 62, on column 6; designating vehicle data emission as either meeting or not quality assurance criteria

and providing an indication that said vehicle data has been validated on lines 39-55, on column 7.

4. As per claims 2, 3, 15, 19, 20, 23, 27, 28, and 33, Jack et al., disclose wherein the step of validating at least part of the data comprises inspection of the vehicle identification data on lines 55-60, on column 4; and the vehicle identification data comprises data selected from a license plate data and image data and determining a license plate number on lines 47-52, on column 5.

5. As per claims 11 and 29, Jack et al. disclose maintaining the chain of custody of the vehicle emission data and vehicle identification data in a manner sufficient to allow introduction of the validated data as evidence in a legal proceeding on lines 45-55, on column 7.

6. As per claims 13, 26, and 31, Jack et al. disclose deleting inaccurate data, identifying patterns of inaccurate data, and suggesting reasons for inaccurate data on lines 1-59, on column 6.

7. As per claims 24 and 34, Jack et al. disclose means for validating vehicle emission data includes the means for ensuring that a minimum amount of reliable data has been obtained on lines 22-39, on column 6.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jack et al., 5719396, in view of Bishop et al., 5210702.

10. Jack et al. disclose the limitations as set forth above. Jack et al. does not disclose matching vehicle identification data with the appropriate vehicle emission data based on inspection of at least a portion of the vehicle identification data and combining the vehicle identification data and the vehicle emission data. Bishop et al. teach of matching vehicle identification data with the appropriate vehicle emission data based on inspection of at least a portion of the vehicle identification data and combining the vehicle identification data and the vehicle emission data on lines 55-65, on column 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the matching of specific emission data to each vehicle because such modification would allow for better validation because each vehicle has different legal emission standards. For example, large trucks have much more lenient standards than passenger cars.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Blosser, 5941918, discloses automotive on-board monitoring system for catalytic converter evaluation.

13. Sachse et al., 6008928, disclose multi-gas sensor.

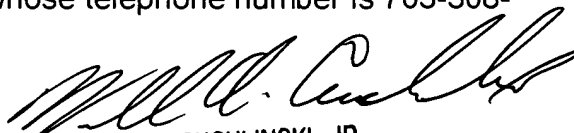
14. Breton, 6148656, discloses real-time on-board vehicle exhaust gas modular flowmeter and emissions reporting system.

15. Dilger et al., 6345234, disclose fugitive emission sensing system.
16. Book, 5711021, discloses method for graphically displaying vehicle test data.
17. Breton, 6382014, discloses real-time on-board vehicle exhaust gas modular flowmeter and emissions reporting system.
18. Breton, 6470732, discloses real-time on-board vehicle exhaust gas modular flowmeter and emissions reporting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

BJB
May 4, 2003